

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

WINSTON KEITH GOFORTH,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No.
	:	5:02-cv-94 (HL)
DR. JOSEPH PARIS, et al.,	:	
	:	
Defendants.	:	
	:	
	:	

ORDER

Plaintiff's Motion to Compel and for Sanctions (Doc. 88), Defendants' Motion for Protective Order (Doc. 97), and Defendants' Motion in Limine regarding Budgetary Information and Statewide Treatment Numbers (Doc. 128) are before the Court. As explained below, Plaintiff's Motion to Compel and for Sanctions (Doc. 88) has been withdrawn, Defendants' Motion for Protective Order (Doc. 97) is moot, and Defendants' Motion in Limine regarding Budgetary Information and Statewide Treatment Numbers (Doc. 128) is denied with permission to re-file.

I. PLAINTIFF'S MOTION TO COMPEL AND DEFENDANTS' MOTION FOR PROTECTIVE ORDER

On March 21, 2006, Plaintiff filed a Motion to Compel alleging Defendants withheld documents responsive to various discovery requests. Plaintiff asked the

Court to direct Defendants to conduct a through search of their records for responsive documents, re-open the deposition of Defendant Dr. Paris, and award Plaintiff the attorneys' fees incurred in bringing the motion. Defendants responded by filing a Motion for Protective Order, on April 10, 2006, asserting that all responsive documents had been turned over to Plaintiff.

After extensive briefing on both motions, Plaintiff formally withdrew his Motion to Compel on August 21, 2006. According to Plaintiff, he has received the necessary documents and information he needs to proceed with the case and no longer seeks further discovery regarding the matters raised in his previously filed Motion to Compel. As Plaintiff is no longer attempting to obtain the documents that are the subject of Defendants' Motion for Protective Order and discovery has closed in this case, Defendants Motion for Protective Order is moot.

II. DEFENDANTS' MOTION IN LIMINE REGARDING BUDGETARY INFORMATION AND STATEWIDE TREATMENT NUMBERS

Defendants ask the Court to exclude from trial and summary judgment all testimony and evidence regarding

(1) budgetary information, including but not limited to: proposals, plans, charts, attachments, e-mails, memoranda, and other evidence related to financial considerations involved in the treatment of Hepatitis C in the Georgia prison system in general, and (2) "snapshot" numbers, charts, e-mails, and other evidence related to the number of inmates receiving antiviral therapy for Hepatitis C in the Georgia prison system in general.

(Def. M. Limine 1-2.) Defendants argue evidence regarding the budget allocated to the treatment of Hepatitis C and the number of prisoners receiving treatment throughout Georgia's prison system is not relevant as the lawsuit centers around the medical treatment received by one prisoner. In Contrast, Plaintiff argues the budgetary documents and "snapshot" figures are relevant because they offer a possible explanation as to why Plaintiff was denied treatment.

The Court declines to exclude all testimony and evidence regarding the financial considerations involved in the treatment of Hepatitis C and the number of inmates treated. While some of the testimony and evidence regarding the general treatment of Hepatitis C in Georgia's prison system are arguably irrelevant, other testimony and evidence covered by Defendants' Motion could have limited relevance. Furthermore, because the parties have chosen to refer only to a large generic body of evidence, rather than individual documents or expected testimony, the Court is unable to consider, at this time, any specific portion of the evidence to determine relevancy. Simply put, Defendants' current Motion is far too broad and ambiguous. Accordingly, Defendants' Motion is denied with permission to re-file.

III. CONCLUSION

As set forth herein, As explained below, Plaintiff's Motion to Compel and for

Sanctions (Doc. 88) has been withdrawn, Defendants' Motion for Protective Order (Doc. 97) is moot, and Defendants' Motion in Limine regarding Budgetary Information and Statewide Treatment Numbers (Doc. 128) is denied with permission to re-file.

SO ORDERED, this the 13th day of February, 2007.

/s/ Hugh Lawson
HUGH LAWSON, Judge

SCS